

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, September 3, 2013 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Tim Potts, Kelly Vasknetz, , and Ronald Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Marcia Johnston.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Hersrud, second by Bachand and carried with all members present voting yes to approve the agenda.

Announcements:

Mayor Carstensen presented Kathy Hersrud of Sturgis Rally Charities a certificate from the Camaro Rally representing a donation of \$625 to the Charities.

Kathy Hersrud also informed the Council that applications for Sturgis Rally Charities will be available on October 16th and should be returned by November 8th at 4:00 pm and the disbursing of funds will be on December 19th at the Vet's Club at 5:30 pm.

The following businesses were given certificates of recognition for their support during the 2013 Rally: Tillie's, Pizza Hut, Taco Johns, Subway, McDonald's, Pizza Ranch, Sturgis Strikers and McPherson Propane.

Informational Reports:

Finance Officer Fay Bueno gave an update on her department:

- The final 2012 Audit was received and copies are available at the Finance Office.
- The Finance Office will be hosting the B.H. Finance Officers Association group on September 19th.
- Items that will be worked on this fall include: Fixed Asset records; starting to prepare the 2013 annual report; composing the 2014 budget booklets; working with the Liquor Store manager on inventory management.

Parks Director Gene Stock gave an update on his department:

- With all of the rain this summer, the Parks Department has been very busy with mowing and trimming.
- They have been taking care of all the flower beds and pocket parks in the City
- Work on the Titan field concession continues.
- In October, they will be working on the mountain pine beetle survey.
- Renovation of the playground equipment and will be revaluating parks due to new ADA rules.

City Manager Ainslie reported:

Sales tax update for the end of August 2013-General Sales Tax and Capital Improvement were up 29.8% and the Gross Receipts Tax (triple B) was up 25.5%. Year to date totals for General Sales Tax and Capital Improvement are up 9.1% with the Gross Receipts Tax (triple B) is up 2.4%.

Motion by Waterland, second by Potts and carried with all members present voting yes to approve the consent calendar:

1. Approved minutes from August 19, 2013 regular meeting.
2. Approved setting special council meeting for September 9, 2013 at 6 pm at City Hall.

Motion by Hersrud, second by Waterland and carried with all members present voting yes to approve the following claims:

Wages – Ambulance \$18,744.98; Attorney \$2884.62; Auditorium \$528.48; Buildings \$800.00; Cemetery \$3123.87; City Manager \$4248.42; Community Center \$8727.09; Finance Office \$8542.00; Fire Department \$635.63; Human Resource \$2121.81; Library \$8222.39; Liquor \$4302.82; Mayor and Council \$3333.27; Parks \$14,666.32; Planning & Permitting \$3985.82; Police \$35,208.84; Rally \$3576.07; Recreation \$2625.47; Sanitary Service \$11,128.43; Streets \$8640.99; Wastewater \$6804.67; Water \$13,387.15; Federal Withholding \$16,323.18; FICA \$12,695.21.

General – A&B Business, \$239.53, supp; Amazon, \$701.96, supp; Amcon Distributing, \$151.34, merch for resale; American Legal Services, \$57.92, prof fee; Angel's Rest Animal Sanctuary, \$75.00, raffle refund; Avaya, \$36.39, util; Baker & Taylor, \$331.72, supp; Paula Basker, \$500.00, grp insur; Bentz Equipment, \$129.07, repair; BH Power, \$28,290.10, util; BH Rally & Gold, \$2289.00, merch for resale; Brosz Engineering, \$690.00, prof fee; Jerry Burnham, \$2490.92, prof fee; Campbell Supply, \$100.24, supp; CBH Cooperative, \$29.99, repair; Century Business Products, \$137.66, supp; Chain Saw Center, \$199.93, repair; Jacob Coyle, \$159.00, refund tow bill; Cummins-Allison Corp, \$470.00, repair; Dale's Tire, \$435.60, supp; Diamond Vogel Paints, \$43.95, supp; Double Star Computing, \$467.50, prof fee; Earthgrains Baking Co, \$568.00, merch for resale; EB Communications, \$168.00, supp; Fastenal Co, \$42.68, supp; Freeman Electric, \$51.02, repair; G&G Enterprises, \$149.75, supp; Hampton Inn, \$3000.00, supp; Heiman Fire Equipment, \$211.55, supp; Hills Materials, \$231.66, supp; Hills Vending, \$972.60, merch for resale; Holiday Inn Express, \$680.00, rental-rally; J&L Services, \$500.00, repair; Johnston Hardware, \$42.35, supp; KNKL Radio, \$1500.00, city promo-rally; Kone Inc, \$133.11, repair; Kreun Kustom, \$325.00, repair; Lighting Maintenance, \$964.79, repair; Amie Mangan, \$95.00, comm ctr refund; Menards, \$23.91, supp; Midamerica Books, \$232.59, supp; Midcontinent Communications, \$41.78, util; Motionsoft, \$450.00, prof fee; Motoring USA, \$2434.50, prof fee; Mountain West, \$36.75, repair; Muth Electric, \$190.81, repair; Northern Hills Electric, \$220.96, repair; Northwest Pipe Fittings, \$17.23, supp; O'Reilly Auto Parts, \$12.49, repair; Owens Interstate Sales, \$14.99, repair; Pete Lien & Sons, \$25.75, supp; Polar Engraving, \$235.00, merch for resale; Powerplan, \$30.75, repair; Public Safety Equipment, \$145.60, supp; Quick Signs, \$29.99, supp; Rapid Delivery, \$10.90, repair; Rasmussen Mechanical Services, \$4153.53, repair; Richter's Tire, \$65.96, supp; Road Runner Brochure Distribution, \$1250.00, supp; Rossman Trucking, \$1718.50, supp; Rushmore Office, \$227.69, supp; S&C Cleaning, \$3100.00, repair; SD Library Network, \$7744.50, repair; SD Municipal League, \$430.00, travel; Shooters Images, \$750.00, supp; Shopko, \$80.97, supp; Signs Now, \$11,386.82, supp; Dave Smith, \$68.00, supp; State Game Lodge, \$4667.14, supp; Sturgis Meat Service, \$165.00, supp; Sturgis Motorcycle Museum, \$75.00, raffle refund; Sturgis Police Reserves, \$3667.96, rally info booth; TASC-Client Invoices, \$1123.30, grp insur; The Knuckle Saloon, \$3100.00, city promo-rally; Time Equipment Rental, \$2424.59, rental-rally; Tom's T's, \$4210.63, supp; Vanway Trophy, \$10.00, supp; Verizon, \$418.53, supp; WOW! Business, \$2855.85, util.

Special Sales Tax – Chamber of Commerce, \$8573.48, chamber; SEDC, \$7750.00, ind dev.

Capital Improvement – Dakota Barricade, \$9153.49, cap imp; Menards, \$219.98, cap imp; Rushmore Counter Tops, \$563.00, cap imp.

Revolving Fund Loan – Brosz Engineering, \$900.00, other.

Library Fund – Waterworks Plumbing, \$689.22, library furnishing.

Liquor – Amcon Distributing, \$5474.77, cig for resale; BH Chemical, \$2515.96, supp; BH Power, \$4267.01, util; Cask & Cork, \$288.99, off sale liquor; Century Business Products, \$2.28, supp; Double Star Computing, \$12.50, prof fee; Lynchburg Hardware, \$184.00, merch for resale; M&B Enterprises, \$327.20, snacks for resale; Mobile Mini, \$610.12, supp; North Country Business Products, \$920.00, prof fee; Schade Vineyard, \$420.00, off sale liquor; Sturgis Cigar &

Knife Co, \$703.28, tobacco for resale; TASC-Client Invoices, \$61.60, grp insur; The Homeslice Group, \$5356.00, publ; WOW! Business, \$150.55, util.

Water – BH Power, \$2475.18, util; Double Star Computing, \$12.50, prof fee; TASC-Client Invoices, \$129.29, grp insur; WOW! Business, \$93.67, util.

Wastewater - Dales's Tire, \$895.96, supp; Double Star Computing, \$12.50, prof fee; TASC-Client Invoices, \$62.94, grp insur; Verizon, \$46.50, util.

Sanitary Service – BH Chemical, \$4737.49, supp; BH Power, \$273.80, util; Century Business Products, \$57.23, prof fee; Century Link, \$57.15, util; Double Star Computing, \$12.50, prof fee; Great Western Tire, \$25.00, supp; Kieffer Sanitation, \$48,475.00, supp; Meade Co Times, \$36.00, publ; SDSWMA, \$400.00, prof fee; TASC-Client Services, \$124.58, grp insur.

Ambulance – BH Power, \$52.17, util; Double Star Computing, \$357.50, prof fee; Jason Bestgen Auto Body, \$2500.00, cap impr; Aaron Mitchell, \$20.02, supp; TASC-Client Invoices, \$149.89, grp insur; WOW! Business, \$84.60, util.

Motion by Potts, second by Bachand and carried with all members present voting yes to approve the following payroll changes: Community Center/Buildings Dept – Building Attendant (part-time to full) – Eli Bueno – \$11.34. Community Center – Lifeguard – Hannah Schuster - \$7.25.

Hersrud introduced the following written resolution and moved its adoption:

**RESOLUTION 2013-47
TO APPROVE OR DENY A PUBLIC LOTTERY**

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

WHEREAS, the Sturgis Area Chamber of Commerce has submitted an application to conduct a public raffle (Bingo) within the City of Sturgis beginning on September 21, 2013 and continuing until September 21, 2014 at which time the lottery prizes will be awarded by the winning of each game at the corner of Junction & Main St, Sturgis, on September 21, 2014, and

WHEREAS, the Sturgis Area Chamber of Commerce presented its application to conduct this lottery to the City Finance Office on August 15, 2013 and seeks to commence and seeks to begin to sell such raffle tickets on September 21, 2013, and

WHEREAS, the request of the Sturgis Area Chamber of Commerce to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the Sturgis Area Chamber of Commerce to conduct a public lottery/raffle in the City of Sturgis is hereby

 X Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

 Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 3rd day of September, 2013.

Published: 09-11-2013

Effective: 10-02-2013

Waterland seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Potts introduced the following written resolution and moved its adoption:

RESOLUTION 2013-48
A RESOLUTION DECLARING PROPERTY SURPLUS

Cell Phones

1. 2 – Droid X2
2. 1 – Casio Gz One Boulder
3. 21 – Casio Gz One Ravine 2
4. 4 – iphone Model A1387
5. 10 – Blackberry Bold
6. 1 – Galaxy Stratosphere II
7. 1 – Droid Bionic
8. 4 – Motorola V860 Barrage
9. 1 – Casio Gz One Commando Rugged
10. 1 – LG Revere
11. 1 – Motorola W315 Flip Phone
12. 1 – Blackberry Curve 8530
13. 1 – iphone 4 16GB
14. 1 – Blackberry 9650
15. 2 – HTC Droid Incredible
16. 4 – Blackberry Curve 8330
17. 1 – Casio G'zOne Ravine 2
18. 1 – Motorola Barrage V860
19. Miscellaneous accessories

Police

2002 Ford Explorer – Vin# A08672

Library – Computers

1. Dell OptiPlex – Ser# 2VLLV71
2. Dell OptiPlex – Ser# HK11971
3. Gateway – Ser# 26776831
4. HP Compaq – Ser# USH62800GP
5. HP Compaq – Ser# USH63001S1
6. HP Compaq – Ser# USH63001S2
7. HP Compaq – Ser# USH63001S5
8. HP Compaq – Ser# RF68MW8Z400Y
9. HP Compaq – Ser# RF68MW8Z4017
10. HP Compaq – Ser# RF68MW8Z4055
11. HP Compaq – Ser# 2UB53009BC
12. HP Compaq – Ser# USH74500JW

13. HP Compaq – Ser# USH74500EB
14. HP – Ser# MXL53208G3
15. HP – Ser# MXL53306VY
16. HP – Ser# MXL4420C5N
17. HP – Ser# MXL4420C78
18. HP Pavilion – Ser# MXM3460ZM4

Public Works/Parks/Water (uniforms damaged, stained and/or torn)

- 2 - Denim Shirts
- 4 - Polo Shirts
- 37 - T-shirts
- 11 - Sweatshirts

Rally Department

- HP Computer Monitor – broken
- HP Printer – broken

Finance Office

- Lathem 5000E Time Clock – broken

Parks

- 1200 small grass/hay bales

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the personal property described above is hereby declared surplus and to be disposed of as described by SDCL 23A-37-13 and 23A-37-10. It is being advisable and in the best interest of the City to sell or dispose of such personal property.

Dated this 3rd day of September 2012.

Published: 09-11-2013

Effective: 10-02-2013

Anderson seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Bestgen, second by Waterland and carried with all members present voting yes to approve tabling second reading of Ordinance 2013-13 – Title 18 – Adult Oriented Business (AOB) to the September 16, 2013 meeting.

Motion by Hersrud, second by Anderson and carried with all members present voting yes to approve second reading of Ordinance 2013-14 – 2014 Appropriations (Budget). (The complete ordinance is on file at the Finance Office at City Hall).

Waterland introduced the following written resolution and moved its adoption:

RESOLUTION 2013-49
RESOLUTION REGARDING THE MUNICIPAL UTILITY RATES
FOR THE CITY OF STURGIS

WHEREAS, the City of Sturgis has adopted through Ordinance 11.04.04 and 11.05.31, the City of Sturgis may set its garbage and sewer municipal utility rates by resolutions; and

WHEREAS, the City of Sturgis continues to face ongoing inflationary price increases for utility, fuel, tipping rates, health insurance and other operating costs; and

WHEREAS, the City of Sturgis has only raised rates by three percent over the previous ten or more years; and

WHEREAS, the City of Sturgis has made a concerted effort to reduce ongoing operational costs in its municipal utility funds; and

WHEREAS, despite these reductions in costs, ongoing fixed costs continue to rise at a rate that exceeds most inflationary indexes.

NOW, THEREFORE, the Common Council of the City of Sturgis does hereby adopt an increase in all of its garbage and sewer rates equal to 2% starting January 1, 2014.

Adopted this 3rd day of September, 2013.

Published: 09-11-2013

Effective: 10-02-2013

Bachand seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Potts, second by Bachand and carried with all members present voting yes to approve Use of City Property, which includes totes, for Sturgis Brown High School Homecoming Parade on September 20, 2013.

Brett Winsell, Jackpine Gyspie, talked with the Council on two issues. The first issue is when a member of the Jackpine Gyspie Club would come before the Council and speak unofficially on behalf of the Club; they would request that only an Officer of the club be able to speak in an official capacity to the Council. If a member comes before the Council, they must have an Officer present. The Club will furnish a list of Officers and the members in October. The second issue discussed was the Half-mile race during the Rally. The Club would like to work with the City in order to facilitate this race.

Hersrud introduced the following written resolution and moved its adoption:

RESOLUTION 2013-50
RESOLUTION TO THE SURFACE TRANSPORTATION
BOARD OF THE PETITION OF THE STATE OF SOUTH DAKOTA
FINANCE DOCKET NO. 35081

WHEREAS, the Canadian Pacific Railroad (CPRR) owns and operates the only west to east statewide railroad service which provides service to the City of Sturgis, with connections to Eastern South Dakota and beyond to the central and eastern United States, especially the major grain markets and commercial manufacturing centers; and

WHEREAS, when the CPRR acquired the DME railroad in South Dakota, it made commitments to expend capital sums to improve the railroad lines; and

WHEREAS, such maintenance is vital to the continuation of rail service to Western South Dakota and the City of Sturgis; and

WHEREAS, the Honorable Dennis Daugaard, Governor of the State of South Dakota, has petitioned the Surface Transportation Board to require the CPRR to demonstrate compliance with the commitments which it made for capital improvements and safety compliance on that railroad trackage in South Dakota at the time of the purchase thereof from the Dakota Minnesota and Eastern (DME) Railroad; and

WHEREAS, the City of Sturgis is located on the western edge of the State of South Dakota and is the economic center of Meade County and includes a growing diverse manufacturing base and is a historic center for agriculture; and

WHEREAS, several of the businesses currently located within the City and several of the business prospects attracted to our community depend upon rail services to deliver their materials and products and to receive shipments from outside the State of South Dakota; and

WHEREAS, numerous businesses, both agricultural and commercial, depend upon reliable rail services to serve their needs in the City of Sturgis; and

WHEREAS, the maintenance and improvement of the CPRR line from Sturgis, South Dakota to Tracy, Minnesota is vital to the City and larger community's continued economic prosperity.

NOW, THEREFORE, the City of Sturgis Common Council does hereby adopt, in its entirety, the Petition of the State of South Dakota endorsing the same with the unqualified support to the prayer for relief set forth therein; and

Does direct its Finance Officer to prepare and furnish a certified copy of this Resolution for submission to the Surface Transportation Board of the United States in such proceeding now known as Canadian Pacific Railway Company, et al – Control – Dakota, Minnesota & Eastern Railroad Corp, et al, Finance Docket No: 35081.

Adopted this 3rd day of September, 2013.

Published: 09-11-2013

Effective: 10-02-2013

Bestgen seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Bachand, second by Waterland and carried with all members present voting yes to adopt the Safety Manual for City Employees and authorize staff to make changes as necessary.

Motion by Potts, second by Hersrud and carried with all members present voting yes to deny refunding the vendor fine to BMF Enterprises.

Motion by Bachand, second by Hersrud and carried with all members present voting yes to refund the vendor fine to Lehman Trikes.

Motion by Hersrud, second by Bestgen and carried with all members present voting yes to deny refunding the vendor fine to AIM, Aid to Injured Motorcyclists.

Motion by Bachand, second by Waterland and carried with all members present voting yes to refund 50% of the vendor fine to European Body Jewels.

Motion by Potts, second by Bestgen and carried with all members present voting yes to refund the vendor fee to Eye Lab RX.

Any other business:

Roger Schieman stated his concerns about East Main Street which includes mowing City property, storm water runoff, and the condition of the streets.

Councilor Potts stated his concerns about the weeds next to Aspen Grove Assisted Living.

Motion by Waterland, second by Bachand and carried with all members present voting yes to go into executive session for personnel and contracts at 7:59 pm.

Motion by Potts, second by Bachand and carried with all members present voting yes to return to regular session at 10:37 pm.

Motion by Bachand, seconded by Bestgen and carried with all members present voting yes to adjourn the meeting at 10:38 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$